

EXHIBIT 1

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
FEB 10 PM 1:52

CLERK OF COURT
TAMPA, FLORIDA

NORMA GARCIA, as Guardian
of Jorge Lizandro
Garcia, an incompetent
person,

Plaintiff,

v.

CASE NO. 8:99-CV-1611-T-17TGW

KELLY-SPRINGFIELD
TIRE COMPANY, a foreign
corporation, and THE GOODYEAR
TIRE & RUBBER COMPANY,
a foreign corporation,

Defendants.

/

ORDER

This cause is before the Court on:

Dkt. 422 Motion in Limine to Exclude Evidence of or
Reference to Bridgestone/Firestone Controversy
Dkt. 432 Response

Defendants move for the exclusion from evidence at trial any
evidence of or reference to the Ford-Bridgestone/Firestone
controversy.

The "Ford-Bridgestone/Firestone" controversy refers to
newspaper reports of rollover accidents involving Ford Explorers
in the 1990's. Ford blamed those accidents on the
Bridgestone/Firestone tires that were standard equipment on the
Ford Explorer. Bridgestone/Firestone blamed the accidents on the
Ford Explorer's allegedly unstable design. Bridgestone/Firestone
recalled 6.5 million tires, and Ford stopped using
Bridgestone/Firestone tires. Many lawsuits were filed against
Ford and/or Bridgestone/Firestone relating to the accidents.

filed

Case No. 8:99-CV-1611-T-17TGW

The present case involves allegations that a Load Range E light truck tire manufactured by Goodyear in May, 1994 was defective. Defendant argues that the Ford-Bridgestone/Firestone has no tendency to prove any fact at issue in this case, and, due to the sensational nature of the controversy, evidence or comment would confuse and mislead the jury.

Plaintiff opposes the Motion in Limine, and lists nine separate instances where evidence of, or reference to, the Bridgestone controversy might be appropriate (Dkt. 432, pp. 2-3). Plaintiff argues that it is premature for the Court to grant the complete exclusion of any reference to the Bridgestone/Firestone matter. Plaintiff states it does not intend to use the Bridgestone/Firestone controversy to argue that the Goodyear tire in this case was defective.

After consideration, the Court concludes it is premature to completely exclude any reference to the Bridgestone/Firestone controversy. Defendant will have the opportunity to make objections at trial. Accordingly, it is

ORDERED that the Motion in Limine (Dkt. 422) is **denied**.

DONE and ORDERED in Chambers, in Tampa, Florida on this 10th day of February, 2004.


ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:
All parties and counsel of record

F I L E C O P Y

Date Printed: 02/10/2004

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